

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.2548 of 2013
Date of decision : 22.04.2015

Smt. Paramjit Kaur

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Rakesh Nagpal, Advocate
for the petitioner.

Mr. Hitesh Pandit, Addl. A.G. Haryana.

AMIT RAWAL, J. (Oral)

In the present case, husband of the petitioner died on 18.02.2004 and as per Haryana Compassionate Appointments to the Dependents of the Deceased Employees Rules 2003, petitioner while in harness i.e. as Clerk was entitled to compassionate appointment as Class-IV employee. The aforementioned Rule was invogue till 01.08.2006. However, 2003 Rules were amended in 2005, amount of

~~₹2.5~~ Lakh as ex-gratia was increased to ₹5 lakh, petitioner has been

given a ex-gratia compensation of ₹2.5 lakh in 2007 whereas she should have been given as ₹5 lakh.

Mr. Hitesh Pandit, learned counsel appearing on behalf of State contends that writ petition is hit by Doctrin of Akin to Delay and Latches, inasmuch, as that once her case has been rejected in 2007 no explanation has been given in approaching this Court in the year 2013.

I have heard learned counsel for the parties and appraised the paper book.

The petitioner on 01.10.2012 sent a legal notice stating therein that similarly situated persons have been given appointment on 09.02.2007. The said legal notice was duly replied by the respondent on 03.01.2013 and, thereafter writ petition has been filed on 04.02.2013. There is no denial to the fact that 2003 Rules were amended in 2005 and ex-gratia compensation was enhanced from ₹2.5 lakh to ₹5 lakh.

As per the impugned order (Annexure P-1/A) dated 19.01.2007 and as well as the reply dated 03.01.2013 (Annexure P-5), it has come on record that the petitioner has been given ex-gratia compensation of ₹2.5 lakh, in the year 2007, it appears the authorities/respondents were oblivious of the amendment caused in 2005, whereas amount of ex-gratia compensation was enhanced from ₹2.5 lakh to ₹5 lakh.

Impugned order (Annexure P-1/A) & Annexure P-5 are not

in consonance with amended Rules thus, hereby quashed.

Respondents are directed to pay the balance amount of ex-gratia compensation of ₹2.5 lakh as per 2003 Rules, amended in 2005 to the petitioner within period of three months from the date of receipt of certified copy of this order.

With the aforementioned direction, present writ petition stands disposed of.

22.04.2015

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**(AMIT RAWAL)
JUDGE**